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7 GEICO GENERAL INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10
11 BRANDON FEDRICK,

12 Plaintiff,

13 vs.

14 GEICO GENERAL INSURANCE COMPANY,
a Maryland-based automobile insurance
15 company, DOES 1 THROUGH X, inclusive; and
ROE BUSINESS ENTITIES XI THROUGH XX,
16 Inclusive,

17 Defendants.

CASE NO.: 2:17-cv-02682-APG-GWF

**STIPULATION AND
ORDER TO STRIKE SURPLUSAGE
FROM PLAINTIFF'S COMPLAINT**

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19 WHEREAS, Plaintiff filed his Complaint in the Eighth Judicial District Court of the State
20 of Nevada on May 4, 2017;

21 WHEREAS, a copy of Plaintiff's Complaint is on file with this Court (*see* ECF No. 1-A);

22 WHEREAS, the Parties desire a clear and unambiguous Complaint, which is free from
23 surplusage;

24 WHEREAS, the Parties intend to litigate only two causes of action: (1) Breach of
25 Contract and (2) Declaratory Relief; and

26 WHEREAS, under Nevada law, special and consequential damages are not an available
27 remedy for breach of contract claims;

28 //

1 NOW, THEREFORE, the Parties, by and through their undersigned counsel of record,
2 HEREBY AGREE AND STIPULATE THAT IT BE ORDERED THAT:

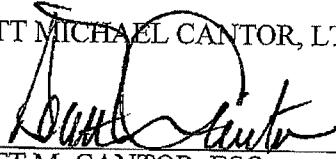
3 1. The following language in Paragraph 18, on Page 4, of Plaintiff's Complaint shall
4 be STRICKEN: "and special or consequential damages which would be foreseeable to a
5 reasonable person in the insurer's position,";

6 2. Plaintiff shall not be required to file an amended complaint; and

7 3. Defendant shall not be required to file an amended or supplemental answer.

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9 Dated this 17 of January, 2018.

10 SCOTT MICHAEL CANTOR, LTD.

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15 Attorney for Plaintiff

Dated this 18th of January, 2018.


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21 IT IS SO ORDERED.

22 Dated: January 22, 2018.

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UNITED STATES DISTRICT JUDGE